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10 *Attorneys for Defendants*
11 *C. R. Bard, Inc. and*
12 *Bard Peripheral Vascular, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation,

No. 2:15-MD-02641-DGC

DEFENDANTS' NOTICE OF NON-PARTY FAULT

(Assigned to the Honorable David G.
Campbell)

SHERR-UNA BOOKER, an individual,

Plaintiff,

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23 C. R. BARD, INC., a New Jersey
24 corporation and BARD PERIPHERAL
VASCULAR, INC., an Arizona
corporation,

Defendants.

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COME NOW Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively “Bard”), and, pursuant to O.C.G.A. § 51-12-33, hereby give notice to Plaintiff Sherr-una Booker (“Plaintiff”) and this Court in the above-styled action that the following non-parties to this action are wholly or partially at fault for the injuries complained of herein. In support thereof, Bard relies on all evidence of record:

1. Sarwat Kamal Amer, M.D.

Lincoln Medical and Mental Health Center
234 East 149th Street
Bronx, NY 10451
718-579-5423

Basis: Dr. Amer was the diagnostic radiologist who read Plaintiff’s lumbosacral spine x-ray on March 26, 2009, which showed her G2® Filter had fractured but with all struts adjacent to the filter in the IVC. Dr. Amer reported only: “IVC Filter is noted.” (See Plaintiff’s March 26, 2009 Lincoln Medical Center Imaging Report, BOOKERS_LMMC_MDR00280). Bard states that Dr. Amer failed to properly report the condition of Plaintiff’s filter to her treating physicians, and therefore prohibited her treating physicians from fully evaluating her medical condition and options for treatment. This failure constituted the sole proximate cause and/or contributing cause to Plaintiff’s injuries. Bard relies on the reports and deposition testimony of Dr. Daniel Cousin, Dr. Piotr Sobieszczyk, and the deposition testimony of Dr. Darren Hurst. Bard further relies on Bard’s medical experts’ reports and Plaintiff’s medical records.

By filing this Notice, Bard does not waive any of its defenses or intend to dispute its expert(s)’ opinions about causation; however, pursuant to O.C.G.A. § 51-12-33, Bard gives this Notice in the event that there is a determination of damages to be awarded. Bard also hereby reserves the right to amend or to supplement this Notice of Non-Party Fault as expanded and/or additional grounds for non-party fault are determined and heard by this Court, and additionally as further information concerning Plaintiff’s claims is acquired.

RESPECTFULLY SUBMITTED this 13th day of November, 2017.

s/ Richard B. North, Jr.
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Attorneys for Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2017, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

s/Richard B. North, Jr.
Richard B. North, Jr.

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